

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SETH SNOOK, together with his marital  
community,

Plaintiff,

vs.

WHATCOM HUMANE SOCIETY, a non-  
profit organization; LAURA A. CLARK,  
together her marital community,  
WHATCOM COUNTY, WASHINGTON, a  
government entity; REBECCA  
CROWLEY.

Defendants.

Case No.:

**COMPLAINT**

**DEMAND FOR JURY TRIAL**

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**JURISDICTION**

1. This Court has jurisdiction under 28 U.S.C. 1331. Federal question jurisdiction arises pursuant to 42 U.S.C. 1983.

**VENUE**

2. Venue is proper pursuant to 28 U.S.C. 1391. All events or omissions giving rise to these claims occurred in the Western District of Washington.

**PARTIES**

3. Plaintiff Seth Snook is a married individual residing in Whatcom County, Washington.
4. Defendant Whatcom Humane Society is contracted by Whatcom County to handle animal control for Whatcom County and is located at 2172 Division Street, Bellingham, WA 98226.

- 1 5. Defendant Laura Clark is currently employed as the Director of the Whatcom  
2 Humane Society.
- 3 6. Defendant Rebecca Crowley is currently employed at Whatcom Humane  
4 Society.
- 5 7. Defendant Whatcom County is a government entity in the State of Washington.

### 6 **FACTS**

- 7 8. Seth Snook is a third-generation dairy farmer in Whatcom County, in the State  
8 of Washington. He operates his farm for profit utilizing the dairy cows.
- 9 9. Mr. Snook had valuable cows at his farm including show cows, cows used for  
10 dairy, as well as his daughters 4H cows and cows.
- 11 10. The Whatcom Humane Society's current director is Laura Clark. Ms. Clark has  
12 been the director since 2009. Ms. Clark does not have training or education in  
13 animal control. At no time has the County provided with her training on the  
14 duties or responsibilities of animal control officers, nor has she received any  
15 legal training to ensure that her organization stays compliant with the law.
- 16 11. The Whatcom Humane Society receives \$773,057.44 every other year from  
17 Whatcom County in exchange for performance of animal control duties in  
18 unincorporated areas of Whatcom pursuant to a contract signed on December  
19 19, 2016. Pursuant to this contract Defendant Whatcom County's Sheriff's  
20 Office, Prosecuting Attorney and County Executive have administrative  
21 authority to establish policies and procedures pertaining to (1) training of animal  
22 control officers regarding proper conduct and enforcement actions, (2) setting  
23 guidelines regarding legal and enforcement issues and (3) standards for the  
24 limited deputization of Whatcom Humane Society personnel.
- 25 12. Whatcom Humane Society employees acted without limited commissions from  
26 Whatcom County Sheriff's Office and without authorization from Whatcom  
27 County Superior Court to act as animal control officers during April, May and  
28 June of 2017.
13. Whatcom County either knew, or should have known that Whatcom Humane  
Society has been obtaining and executing warrants and seizing citizen's  
property without lawful authority to do so. At no time has Whatcom County  
provided training or education, or created policies or procedures for Whatcom  
Humane Society personnel regarding proper conduct or legal issues in  
execution of search warrants or seizure of evidence.
14. On March 29, 2017 a Farm Service Administration employee who handles Mr.  
Snook's loan went to Mr. Snook's farm to do an inspection. After his inspection,

1 he contacted Whatcom Humane Society to notify them of unburied cows on  
2 Plaintiff's property. He thought the cows looked underweight, but noted that it is  
3 very difficult to assess dairy cows. He took photographs. The photographs  
show the cows eating.

- 4 15. During April and June of 2017 Whatcom Humane Society employees went  
5 onto Mr. Snook's property without consent to investigate purported violations  
6 of RCW 16.52. Whatcom County was put on notice of this and took no  
corrective actions.
- 7 16. During April and June of 2017 a Whatcom Humane Society employee and  
8 Whatcom County Prosecutor's Office obtain two separate warrants to remove  
9 property from Plaintiff's farm. The warrant was directed only to peace officers  
10 and provides no authority to Whatcom Humane Society for seizure of property.  
11 Following the warrants, Whatcom Humane Society employees enter Mr.  
Snook's property without consent and remove Plaintiff's property without lawful  
12 authority to do so. Whatcom County was put on notice of this and took no  
corrective actions.
- 13 17. During May of 2017 without consulting a veterinarian, Laura Clark made a plan  
14 to kill Mr. Snook's cows. There was no injury or medical necessity to justify  
15 killing these cows. Laura Clark made the plan in part for financial reasons  
16 citing the financial strain placed on the Whatcom Humane Society referencing  
17 the fact that her organization did not receive reimbursement or funds from  
18 Whatcom County to provide for the cows. The facility where the cows were  
being boarded refused to allow the killings Ms. Clark had directed to take place  
19 on their property, so the cows were transported back to the Whatcom Humane  
Society's farm.
- 20 18. On May 9, 2017 Mr. Snook's counsel properly filed a petition for the return of  
all of his cows. A hearing was set by the court to be held on May 19, 2017.
- 21 19. On May 9, 2017 Whatcom Humane Society Director, Laura Clark brought a  
22 veterinarian to the Whatcom Humane Society farm on Telegraph Road to have  
23 ten of Mr. Snook's cows shot in the head. Two of Mr. Snook's cows, a baby  
and mom, were shot together in the barn and the remaining eight cows were  
24 shot outside. All of their bodies were destroyed. Tarps were placed on the  
fences to hide what was taking place from the public. After the killing was  
25 done, Defendant Laura Clark gave the participating employees ice cream. At  
no time was Mr. Snook consulted with prior to these killings.
- 26 20. On May 19, 2017 the hearing for return of Mr. Snook's cows was held before  
27 Commissioner Anthony Parise. Whatcom County prosecutor George Roche  
represented Whatcom Humane Society and took the position that all seized  
28 cows were evidence in the criminal case and so the action needed to be joined

with the criminal case. Mr. Snook agreed to the joinder of his petition with the Superior Court case.

21. On May 12, 2017 Defendant Laura Clark told a news reporter for the Bellingham Herald that the “majority of 24 cows seized had to be euthanized due to their poor physical and medical conditions.” Ms. Clark implied that Mr. Snook had starved them into a state of needing euthanization. This statement and other false statements were published in the Bellingham Herald newspaper, as well as other news sources in the following months. Ms. Clark knew or should have known this to be a false statement as she herself had directed the killings of cows that did not require euthanization. This statement caused injury to Plaintiff’s reputation in the community which continued as additional articles were published in newspapers with false information through July 30, 2017.
22. In June 2017 Defendant Laura Clark and others employed by Whatcom Humane Society went to Mr. Snook’s property and began digging up the property and removing items from the property. They entered buildings and took photos and videos. During this time no persons employed by Whatcom Humane Society had authorization to execute a warrant or seize items from Mr. Snook.

### **CLAIM I**

(Violation of Civil Rights: Unlawful Forfeiture of Property)

23. Plaintiff restates and re-alleges the allegations set forth in paragraphs 1-22 above as if fully set forth herein.
24. By doing the acts described above, Defendants caused and/or permitted the violation of Plaintiff’s right to Due Process guaranteed by the Fourteenth Amendment, thereby entitling Plaintiff to recover damages pursuant to 42 U.S.C. 1983.

### **CLAIM II**

(Violation of Civil Rights: Unlawful Seizure of Property)

25. Plaintiff restates and re-alleges the allegations set forth in paragraphs 1-22 above as if fully set forth herein.
26. By doing the acts described above, Defendants caused and/or permitted the violation of Plaintiff’s right against unlawful seizures of property guaranteed by the Fourth Amendment, thereby entitling Plaintiff to recover damages pursuant to 42 U.S.C. 1983.

**CLAIM III**

(Theft of Livestock - RCW 4.24.320)

27. Plaintiff restates and re-alleges the allegations set forth in paragraphs 1-22 above as if fully set forth herein.
28. By doing the acts above, Defendants intentionally deprived Plaintiff of his cows by transporting, concealing, withholding or slaughtering his cows, without consent, in violation of RCW 9A.56.080 and RCW 4.24.320.

**CLAIM IV**

(Conversion of Livestock)

29. Plaintiff restates and re-alleges the allegations set forth in paragraphs 1-22 above as if fully set forth herein.
30. By doing the acts above, Defendants interfered with Plaintiff's right to possession and that interference was substantial.

**CLAIM V**

(Trespass to Chattel)

31. Plaintiff restates and re-alleges the allegations set forth in paragraphs 1-22 above as if fully set forth herein.
32. By doing the acts above, with regards to the six living cows, Defendants interfered with Plaintiff's right to possession of his cows.

**CLAIM VI**

(Interference with a Business Expectancy)

33. Plaintiff restates and re-alleges the allegations set forth in paragraphs 1-22 above as if fully set forth herein.
34. By doing the acts above, Defendants knew of Plaintiff's valid business expectancy and intended to damage it by removing his cows, which caused plaintiff to suffer damages.

**CLAIM VII**

(Defamation)

35. Plaintiff restates and re-alleges the allegations set forth in paragraphs 1-22 above as if fully set forth herein.

- 1 36. By doing the acts described above in paragraph 24, Defendant Laura Clark and  
2 Whatcom Humane Society made a false statement of fact, of or concerning the  
3 Plaintiff, which was published to 3rd persons, and caused a reputational injury  
4 to the Plaintiff.

5 **CLAIM VIII**

(Negligence – Failure to Keep Animals Alive)

- 6 37. Plaintiff restates and re-alleges the allegations set forth in paragraphs 1-22  
7 above as if fully set forth herein.
- 8 38. By doing the acts described above, under any duty arising as bailees, trustees,  
9 and as agents of the State, Defendants breached their duty to keep Mr.  
10 Snook's cows alive and further, Defendants breached their duty to properly  
11 preserve evidence, which caused damage to Plaintiff.

12 **CLAIM IX**

(Intentional Infliction of Emotional Distress - Outrage)

- 13 39. Plaintiff restates and re-alleges the allegations set forth in paragraphs 1-22  
14 above as if fully set forth herein.
- 15 40. By doing the acts described above, Defendant committed extreme and  
16 outrageous conduct, which was done intentionally or with reckless disregard as  
17 to the consequences, and caused Plaintiff severe emotional distress, and  
18 actual damages.

19 **CLAIM X**

(Intentional Interference with a Business Expectancy)

- 20 41. Plaintiff restates and re-alleges the allegations set forth in paragraphs 1-22  
21 above as if fully set forth herein.
- 22 42. By doing the acts described above, Defendant prohibited Plaintiff from earning  
23 a profit in his dairy operation business.

24 **CLAIM XI**

(Intentional Infliction of Emotional Distress)

- 25 43. Plaintiff restates and re-alleges the allegations set forth in paragraphs 1-22  
26 above as if fully set forth herein.
- 27 44. By doing the acts described above, Defendant caused permanent emotional  
28 damage by destroying cows that were considered to be family pets.

**CLAIM XII**

(Negligent Interference with Business Relations)

45. Plaintiff restates and re-alleges the allegations set forth in paragraphs 1-22 above as if fully set forth herein.
46. By doing the acts above, Defendant's negligence damaged the business relationship and ongoing sales between Plaintiff and others, causing economic harm to Plaintiff.

**CLAIM XIII**

(Trespass to Land)

47. Plaintiff restates and re-alleges the allegations set forth in paragraphs 1-22 above as if fully set forth herein.
48. By doing the acts above, Defendants intended to and actually physically invaded Plaintiff's real property, interfering with Plaintiff's exclusive control of the land.

**CLAIM XIV**

(Invasion of Right to Privacy)

49. Plaintiff restates and re-alleges the allegations set forth in paragraphs 1-22 above as if fully set forth herein.
50. By doing the acts above, Defendants acted in ways that would be objectionable to a reasonable person by: appropriating the Plaintiff's name to advance their own interests, intruded upon the Plaintiff's affairs, published facts about the Plaintiff in a false light, and made public disclosures about private facts about the Plaintiff.

**CLAIM XV**

(Negligent Training)

51. Plaintiff restates and re-alleges the allegations set forth in paragraphs 1-22 above as if fully set forth herein.
52. By doing the acts above, Defendants failed to provide proper training and/or protocols on handling of animals, and breach of that duty caused the death of Mr. Snook's cows.



**CLAIM XVI**

(Negligent Supervision)

53. Plaintiff restates and re-alleges the allegations set forth in paragraphs 1-22 above as if fully set forth herein.
54. By doing the acts above, Defendants failed to supervise Whatcom Humane Society Personnel, and breach of that duty caused Mr. Snook to be denied his right to possession of his cows.

**CLAIM XVII**

(Statutory Waste – RCW 4.24.630)

55. Plaintiff restates and re-alleges the allegations set forth in paragraphs 1-22 above as if fully set forth herein.
56. By doing the acts above, Defendants went onto the land of another and wrongfully removed valuable property from the land, and injured personal property, to wit cows as described on that land by intentionally and unreasonably committing the acts described above while knowing, or having reason to know, that each lacked authorization to so act.

**CLAIM XVIII**

(Private Nuisance – RCW 7.48.150)

57. Plaintiff restates and re-alleges the allegations set forth in paragraphs 1-22 above as if fully set forth herein.
58. By doing the acts above, Defendants are liable to Plaintiffs for general damages sustained by virtue of their acts, which annoyed, injured, and endangered the comfort, repose, and safety of plaintiffs, rendering them insecure in their beings and essentially interfering in comfortable enjoyment of their real property and sentient property, to wit, the cows as described.

**CLAIM XIX**

(Violation of Washington State Constitution Article 1, Section 7)

59. Plaintiff restates and re-alleges the allegations set forth in paragraphs 1-22 above as if fully set forth herein.
60. By doing the acts above, with regards to the intrusions onto Plaintiff's property, Defendants disturbed Plaintiff's private affairs and intruded upon Plaintiff's home without lawful authority in violation of the Washington State Constitution.



**REQUEST FOR RELIEF**

WHEREFORE, Plaintiff requests this Court enter an order granting him the following relief:

- a. For general damages in an amount to be proven at trial;
- b. Up to three times the actual damages resulting from loss of livestock;
- c. Lost earnings and lost future earnings;
- d. Reputation damages;
- e. Emotional distress damages;
- f. Punitive damages under 42 U.S.C. sec. 1988;
- g. Prejudgment interest;
- h. Special legal damages related to the retaining of criminal defense attorneys and experts;
- i. For attorney's fees;
- j. For costs of the suit incurred herein;
- k. For such other and further relief, at law or in equity, to which Plaintiff may be justly entitled.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby requests a jury trial on all issues raised in this complaint.

DATED this 28<sup>th</sup> day of February, 2018.

/s/ Emily C. Beschen  
Emily C. Beschen, WSBA#43813  
Attorney for Plaintiff

/s/ Rajeev Majumdar  
Rajeev Majumdar, WSBA#39753  
Attorney for Plaintiff